

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MOMBASA

PETITION NO. 72 OF 2020

KASAMBALA TAABU MACHAGE.....PETITIONER

VERSUS

DIRECTOR OF PUBLIC PROSECUTION.....RESPONDENT

RULING

1. I am compelled to make a summary Judgment in this petition. The Petitioner does not qualify for resentencing under the **Muruatetu Rules**. The Petitioner was already sentenced to 15 years. That was not a mandatory sentence. If the Petitioner was not satisfied with that sentence he ought to have appealed.

2. This Court has no power to vary the Judgment. The petition is dismissed for want of merit and the Petitioner shall serve the full sentence of 15 years.

DATED, SIGNED AND DELIVERED AT MOMBASA THIS 23RD DAY OF MARCH, 2021.

E. K. O. OGOLA

JUDGE

Ruling delivered via MS Teams in the presence of:

Petitioner in person

Ms. Anyumba for DPP

Mr. Kaunda Court Assistant